

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

P.S. - Panchayat Raj Engineering Department - Failure to present the case properly before the Inquiry Authority by Sri B. Satyanarayana, Executive Engineer (PR), PIU Division, Warangal as Presenting Officer – Disciplinary proceedings under Rule 20 of Andhra Pradesh Civil Services (CC&A) Rules, 1991 – Article of Charges – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.I) DEPARTMENT

G.O.Rt.No. 475

Dated:21.03.2012

Read:

ORDER:

It is proposed to hold an inquiry against Sri B. Satyanarayana, Executive Engineer (PR), PIU Division, Warangal, in accordance with the procedure laid down in rule 20 of the Andhra Pradesh Civil Service (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure-I). A list of documents by which and list of witnesses, by whom, the articles of charges are proposed to be sustained are also enclosed (Annexure-II and III).

3. Sri B. Satyanarayana, Executive Engineer (PR), PIU Division, Warangal, is directed to submit within (10) days of the receipt of this order, a written statement of his defence.

4. Sri B. Satyanarayana, Executive Engineer (PR), PIU Division, Warangal, is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri B. Satyanarayana, Executive Engineer (PR), PIU Division, Warangal, is further informed that if he does not submit his written statement of defence on or before the date specified in para 3 above or otherwise fails or refuses to comply with the provisions of rule 20 of Andhra Pradesh Civil Services (CCA) Rules, 1991 or the order/directions issued in pursuance of the said rules, the Inquiry Authority may hold the inquiry against him ex-parte.

6. Attention of Sri B. Satyanarayana, Executive Engineer (PR), PIU Division, Warangal, is invited to Rule 24 of the A.P. Civil Service (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with these proceedings it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of rule 24 of the A.P. Civil Service (Conduct) Rules, 1964.

7. The receipt of this G.O. shall be acknowledged forthwith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

C.R. BISWAL
PRINCIPAL SECRETARY TO GOVERNMENT (PR)

To

Sri B. Satyanarayana, Executive Engineer (PR), PIU Division,
Warangal **through** the Engineer-in-Chief, Panchayat Raj, Hyderabad.
The Engineer-in-Chief, Panchayat Raj, Hyderabad.

(with a request to serve and return the acknowledged copy and W.S.D.)

Copy to :

The Secretary to V.C., APVC, Hyderabad.

// FORWARDED::BY::ORDER //

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGES AGAINST SRI B. SATYANARAYANA, EXECUTIVE ENGINEER (PR), PIU DIVISION WARANGAL.

CHARGE:

That the said Sri B. Satyanarayana, Executive Engineer (PR), PIU Division, Warangal did not presented the case before inquiry authority (i.e. Commissioner of Inquiries) who was appointed as presenting officer on behalf of disciplinary authority (i.e. Government) under rule 20 (5) (c) of APCS (CC&A) Rules, 1991 and failed in protecting the interest of the disciplinary authority and favoured the Charged Officer by playing a role at his best and diluted the case. By Act of which the charges which were framed against the Charged Officer were held not proved. Thus the individual failed to maintain and deviated from his legitimate duties entrusted by the disciplinary authority.

BASIS:

The V&E has made the following recommendations in their report No. 123 (998/V&E/E2/04), dt.28.10.2004 of GA (V&E) Dept.;

- 1) To relay the 7 KM stretch by the contractor and then only to regulate the payment for BT layer.
- 2) To recover an amount of Rs.82,948/- towards over size of metal etc., and
- 3) To initiate major penalty proceedings against Sri D.Sadanandam AE formerly of Wanaparthi.

Accordingly, Article of Charges were framed on Sri D. Sadanandam formerly AE (PR) Wardhannapet of Warangal district vide Memo No. Vig.III(2)/36128/2005, dt.05.07.2005, and on receipt of defense, a detailed report and remarks were submitted to the Govt. vide letter dt.31.3.2006 wherein proposed a minor punishment of stoppage of one increment without cumulative effect as procedural irregularities occurred. On examining the same, the Govt. have entrusted the case to COI and appointed Executive Engineer (PR) Warangal as Presenting Officer with a clear direction to acquaint himself with the facts of the case and present the case before the Enquiry Officer effectively on behalf of the disciplinary authority vide G.O. Rt.No.298, PR&RD (Vig.I) Dept., dt.05.03.2007. The inquiry report D.O.Lr.No.945/COI.JR/2009, dt.20.12.2010 of GA (COI.CK) Dept., is received from the Govt. where in charges held not proved and Govt. while communicating the said inquiry report to the individual vide Govt. Memo No.673/Vig.I/04-8, dt.22.07.2011 have deviated from the findings of the inquiry officer.

The COI in their inquiry report had pointed out the following that :-

- 1) the Presenting Officer has in his written arguments stated that the contractor carried out the work behind the back of the departmental officer. On this point the COI had opined that, this is strange argument and smacks of prejudicial and motivated attitude of the presenting officer in support of the charged officer. It is opined by COI further that, how can the work be carried out behind the back of the departmental officer especially charged officer (the then AE) who was supervising the work and making entries in the records.
- 2) The contractor carrying out work without obtaining permission from the competent authority (as contended by the Presenting Officer) is rather ridiculous. It is the Govt. work being carried out, not private construction on private property because the contractor had carried out the work at his own accord without the permission of competent authority evidences that the Charged Officer along with the other officials in the department in connection with execution of the work in question have played that part in collusion with the contractor.

- 3) The Presenting Officer has quoted the letter of Engineer-in-Chief, PR, Hyderabad dt.31.03.2006 saying that he agree with the opinion of the ENC that it was at best a procedural irregularity. On this the COI had commented / opined that, the Presenting Officer has perhaps purposefully left out the last para of the letter where in the Engineer-in-Chief, PR, Hyderabad mentioned "with regard to the irregularity in respect of Sri D. Sadanandam AE(PR), it is informed that his supervision is NOT TIMELY and NOT PROPER" and also proposed a punishment. It is evident that the Presenting Officer deliberately did not discharge his duty as Presenting Officer without fear or favor and rather acted in a prejudicial and motivated manner rather than bringing the facts of the case impartially and comprehensively before the inquiring authority.

As seen from the written arguments the said officer had submitted to COI vide his letter Rc.No.E1/119/2009, dt.23.06.2010, it is observed that, he had not exercised efficiently to present the case before COI on behalf of disciplinary authority. He simply narrated the sequences of the events took place like technical and administrative sanctions, entrustment of work to contractor, narrated the recommendations of V&E pointed out in their report, mentioning the charge memo No. and defense of the AO in one para, recommendations of ENC given to the Government in his letter dt.31.03.2006 and blacklisting of contractor and lifting of blacklisting only. Apart from the above he had not at all exercised his mind on the case and has not made proper presentation of the case on the other hand he has purposefully acted to suppress the issues to the advantages of charged officer for the reasons best known to him.

The said officer had opined and concluded that, so called irregularity is at best a procedural one and there is ultimately no loss to the Govt. which is not correct. Had the V&E officials not inspected the work, the recovery of amount Rs.82,948/-could not have come to notice and 7 KM stretch of the road would not have been relaid and the Govt. money would have been wasted. Mere refilling the financial loss to the Govt., cannot absolve the Charged Officer from the guilty. That is the reason in proposing the minor punishment by the Engineer-in-Chief, PR, Hyderabad in his report dated 31.03.2006. But the Presenting Officer had not stressed while Presenting the said observations before the inquiry authority and tried at his level to help the Charged Officer to escape from the charges.

Thus he had simply reiterated about the recommendation of ENC which were submitted to the Govt. on 31.3.2006. He acted in a routine manner without getting himself acquainted with the facts of the case and failed in applying his mind in presenting the case before Inquiry Authority effectively and protecting the interest of the Govt. for the purpose he was appointed by the Govt., vide G.O. Rt.No.298, dt.05.03.2007 of PR&RD (Vig.I) Dept. Even though the V&E recommendations are complied., and the relaying of work was done by the Contractor at his own expenses and no loss was caused to Govt., the Charged Officer has committed irregularities by not properly supervising the work and the Presenting Officer has tried to shield the Charged Officer.

Thus the Charged Officer did not discharged his duty as Presenting Officer without fear or favor in bringing the facts of the case impartially and comprehensive before the inquiry authority as pointed out by COI.

Thus the officer failed to maintain impartiality and deviated from his legitimate duties entrusted by the disciplinary authority and violated rule (3) of APCS (Conduct) Rules, 1964.

Hence the Charge.

C.R. BISWAL
PRINCIPAL SECRETARY TO GOVERNMENT (PR)

SECTION OFFICER

ANNEXURE-II

LIST OF DOCUMENTS BY WHICH ARTICLE OF CHARGES ARE PROPOSED AGAINST SRI B. SATYANARAYANA, EXECUTIVE ENGINEER (PR), PIU DIVISION, WARANGAL.

COI Inquiry report

C.R. BISWAL
PRINCIPAL SECRETARY TO GOVERNMENT (PR)

SECTION OFFICER

ANNEXURE-III

LIST OF WITNESSES BY WHOM ARTICLE OF CHARGES AGAINST SRI B. SATYANARAYANA, EXECUTIVE ENGINEER (PR), PIU DIVISION, WARANGAL ARE TO BE SUSTAINED.

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C.R. BISWAL
PRINCIPAL SECRETARY TO GOVERNMENT (PR)

SECTION OFFICER